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United States Senate,
Legislation and Administration,
Washington, D.C.

Today we will hear new groundbreaking reports of astounding problems with our voter registration system. Hidden from the excitement of the past election was the fact that millions of voters, through no fault of their own, were shut out of this process due to deeply-rooted problems that need to be fixed.

33 We will hear from our witnesses and more details, but the numbers are staggering.
34 Professor Ansolabehere's research reveals that as many as 7 million eligible and registered
35 voters were denied the right to vote, whether it was a photo ID requirement, list purges, no
36 match, no vote comparisons, or simply because they moved from one home to the other and
37 their registration did not follow. His astonishing report also estimates that as many as
38 9 million additional people were prevented from registering due to deadlines and change of
39 residency requirements.

40 Now, each one of these alone does not seem like an egregious violation, although to
41 the person it might be, but put together, you get massive disenfranchisement, and this is
42 undemocratic, unacceptable. And, of course, as we know, 7 million is often enough to
43 swing a federal election.

44 Since World War II, the popular vote in 8 of 16 presidential elections could have
45 swung the other way, and hundreds of times over, states could have swung as well if
46 7 million people who were supposed to vote did not.

47 Voter registration errors know no party or ideology, so listen to a few stories.

48 There is the serviceman and his wife who move from base to base and are not
49 allowed to vote because they did not arrive at their new residence to meet the deadline to
50 register. In other words, the Army tells them October 15th you have to be somewhere else
51 November 1st. And yet, the voter registration deadline was October 15th in the new place
52 where they are going. They cannot even vote for their commander and chief, who will
53 determine whether or not the soldier is sent off to war.

54 Then there is the hardworking father holding down two jobs to put food on the table
55 for his kids, who skips dinnertime to go and vote, only to be turned away simply because
56 his name was confused with that of an ineligible convicted felon.

57 There is the tradesman who finds his name is not on the list because his handwriting
58 was not clear on his voter registration form. So an A becomes a U, and there is no match
59 for his drivers license, and no vote.

60 In fact, Joe the Plumber of the 2008 election fame was nearly denied the right to
61 vote last November because his name was misspelled on the voter list. Now, it was a hard
62 name to spell, so I am not blaming anybody, but it is just a fact.

63 There is a student who attends a university in Virginia only to be told he cannot
64 register to vote at his new domicile, and if he does, he could lose financial aid.

65 There is a woman who shows up to vote only to find out she was not even registered
66 due to an error made by a third party registration organization who misplaced the form or
67 sent it in too late.

68 I cannot tell you how many times in New York I have heard the refrain, I registered
69 to vote, and when I showed up, I was told my name was not on the list. So we seem to be
70 stuck in the mud on certain issues.

71 As I said, each of these stories, they are a little bit poignant, but, you would think,
72 okay, that happens. But when you add them up to 7 million, or 9 million names, it is a lot
73 more troubling than that.

74 In the 21st century, people should not be denied their constitutional right to vote
75 because of problems caused by an antiquated voter registration system that was set up in
76 the 19th century by the Whig Party. That is who set up our voter registration system,
77 which we still use today. And, of course, the Whigs are not even around anymore.

78 It is truly remarkable that with the technology we have today that someone could be
79 turned away at the polls simply because he or she has moved to a different county or has
80 bad handwriting. If they move to a different country, they should not vote. But if they
81 move to a different county, they should, or if there is bad handwriting.

82 It is not to blame our local election officials who work hard to make sure the trains
83 run on time on Election Day. In fact, just yesterday, two secretaries of state, Carnahan,
84 Democrat from Missouri, and Greyson, a Republican from Kentucky, very clearly
85 described the problem state election officials face with voter registration.

86 I ask unanimous consent their column and roll call be entered into the record. So
87 without objection, it is.

88 *[The information follows:]*

89 / COMMITTEE INSERT

90 **Chairman Schumer.** The question of last minute registration, the massive
91 amount of data entries involved, are a lot to place on local county officials with limited
92 resources. And additionally, the amount of money spent on maintaining current voter
93 registration lists places a strain on state governments already struggling with the current
94 economic crisis. Part of the problem may be that the states and counties need more
95 resources to ensure that all eligible voters can be registered and all those registered can
96 vote.

97 So today we examine these problems. I cannot imagine what it was like for
98 millions of voters, some of whom attempting to vote for the first time last year, were told
99 they were not registered correctly and could not cast a ballot, particularly after waiting in
100 line for an hour or two, maybe on a cold or rainy evening. I cannot imagine what it was
101 like for these folks to be denied the right to vote in this historic election. So this should
102 not happen, not in the United States of America.

103 We are not going to talk about solutions today; we are just going to talk about
104 anyone can talk about what they want, but the focus of the hearing is just on the problem.
105 And there are other problems as well. I know my colleagues on the other side of the aisle
106 talk about schemes to defraud and register people who should not be registered. And that
107 is something we are going to want to look at as well because I think we have to address
108 both sides of the problem.

109 But today we are going to look at this particular problem. And I thank all our
110 witnesses and want to turn things over to, first, my colleague, Senator Bennett for a
111 statement, then Senator Warner after him.

112

113 **OPENING STATEMENT OF SENATOR BENNETT**

114 **Senator Bennett.** Thank you very much, Mr. Chairman, and I appreciate your
115 calling a hearing. I think it is appropriate that we hear these issues. And I would take
116 slight issue with one comment you made in your opening statement. I think there are still
117 Whigs around.

118 [Laughter.]

119 **Senator Bennett.** I will go no further as to identify where or who, but my study of
120 history and the attitude of the Whig Party leaves me to believe that there are those who still
121 hold that ideology.

122 Now, we have two compelling and sometimes competing interests with respect to
123 this whole question. We want everyone who is legally qualified to vote to be able to vote.
124 And we want him or her to be able to vote as easily and smoothly as we possibly can. At
125 the same time, the whole purpose for having people register in advance is to create some
126 kind of mechanism that will allow election officials to prevent those who are not legally
127 qualified to vote from voting, and sometimes this becomes a trade off.

128 In an effort to get everyone to vote, we relax registration requirements and, thereby,

129 open the door to vote fraud; or, conversely, in an effort to prevent vote fraud, we tighten
130 registration requirements, and thereby run the risk of keeping people away who belong
131 there.

132 This is not a new issue. When I was a member of the Governmental Affairs
133 Committee, we held a hearing on this issue and one of the witnesses on that occasion was
134 Dr. Larry Sabato, the director of the University of Virginia Center for Governmental
135 Studies, and one of the more well recognized names when it comes to these issues.

136 I would like in my opening statement to quote a few things from Dr. Sabato, and
137 then would ask unanimous consent that his entire opening statement be included in the
138 record.

139 **Chairman Schumer.** Without objection.

140 *[The statement of Dr. Sabato follows:]*

141 **Senator Bennett.** He makes the same point I just made. He said when we look
142 at the registration system and voting process, we have to balance two conflicting values.
143 One, the goal of full and informed participation in the electorate, and, two, the integrity of
144 the system. And he goes on to say, to the extent we keep expanding the participation right
145 and make it easier and easier for people to register to vote, we almost certainly increase the
146 chances for voter fraud. So, in a sense, it is a trade off. To move completely in the
147 direction of one value as opposed to the other is foolhardy.

148 Then he goes on to list a number of examples of people in the 2000 election who
149 cast illegal votes. If I might, there are the corresponding, one-on-one personal
150 observations of the kind you have just cited of people who ran into difficulty with
151 registration. And he says, it does not stop with Florida and Wisconsin. As I suggested,
152 fraud did not just appear during the 2000 presidential election. Just a glance at the past
153 decade shows many examples of electoral fraud.

154 Then he goes on to list some. Extensive absentee ballot fraud in Alabama;
155 hundreds of phony registrations in California; nearly a thousand illegal votes in New
156 Jersey, including some people who are unregistered and others who are dead; significant
157 absentee ballot fraud in Philadelphia; votes stolen from the elderly and infirm in Texas, and
158 the list goes on and on.

159 Then he says in separate quotes, whether fraud is Democratic or Republican, or
160 located in the north or the south or the west, the effect on American democracy is similar.

161 While electoral hanky-panky affects the outcome in only a small proportion of elections,
162 mainly in very tight races, one fraudulent ballot is one too many for the integrity of the
163 system and the confidence that people have in the system.

164 So this is the balance that we have to address. We want, as I said, registration to be
165 as open and as easy as it can possibly be for those who are entitled to vote, but at the same
166 time, we want registration to be effective enough that those who are interested in
167 controlling fraud have the tools that they need to deal with that.

168 That is the balance that I hope we will strive to strike as our legislative activity goes
169 forward following this hearing and other hearings that you may have scheduled. And I
170 appreciate your diligence in addressing the problem and will do whatever I can to see that
171 we have as productive and probing a hearing as possible.

172 **Chairman Schumer.** I want to thank Senator Bennett, and I agree with the thrust
173 of his statement. Both are problems, and I think we have to address both. And there is
174 sort of a yin and yang here that you have to find the happy balance to.

175 Senator Warner?

176

177 **OPENING STATEMENT OF SENATOR WARNER**

178 **Senator Warner.** Thank you, Mr. Chairman. I want to add my voice as well
179 and say thank you for calling this hearing and echoing both what you and Senator Bennett
180 have said, this yin and yang between registration and fraud.

181 I am not going to be able to stay for the whole hearing, but I do want to point out
182 two issues that I hope the panel will address and would love to pursue. One, and the
183 chairman mentioned this in his opening comments, Virginia has become a little bit of
184 ground zero for the battle between local registrars trying to determine what is appropriate
185 for college students, sometimes out-of-state college students, who choose to registrar in
186 their college hometown rather than their parents' hometown. We have, perhaps, in the
187 Commonwealth given a little bit of disjointed guidance.

188 So I would love to hear from the panel, what appears to be both trends in the law
189 and best practices, on how you get that balance. We clearly want students to participate; if
190 they are living 9 or 10 months a year in a certain locale, what kind of residency
191 requirements are looked at. On the other hand, if they are simply passing through and
192 often time there are concerns at the local government level that you may end up having, in

193 fact, undue influence because of the student population in the community. So I would
194 love to hear comments on that issue.

195 The second and this is Virginia also. Like other states, but I think Virginia
196 because we are proud to have some of the highest concentration of military of any state in
197 the country, we have lots and lots military families who continue to be challenged with not
198 only registration but unclear rules about when and how they have to get their ballots
199 posted, when and how registrars would receive those ballots.

200 As recently as the 2008 election cycle, again, this proved to be quite a bone of
201 contention. And I would love to hear any comments from the panel on how we can better
202 grapple with the very unique challenges that our military families, particularly those who
203 are posted overseas, can make sure that, one, they get registered in the first place, and two,
204 that there is no undue burdens on them participating in the electoral process.

205 So, again, while I am not going to be able to stay for the hearing, I do appreciate the
206 chairman calling this and anxious to hear comments on those two questions.

207 Thank you, Mr. Chairman.

208 **Chairman Schumer.** Thank you. And I think those are two very important
209 issues that we hope to explore.

210 Senator Udall?

211

212 **OPENING STATEMENT OF SENATOR UDALL**

213 **Senator Udall.** Thank you, Chairman Schumer and Ranking Member Bennett.
214 Thank you both for your statements. And let me just say that I think you have reached the
215 right balance here in terms of talking about the direction we should go. I think we all want
216 everybody to fully participate and we want to get people registered and give them that
217 opportunity. But we want to make sure that we have fair elections without fraud, and that
218 is really the way to go.

219 Two of the issues in New Mexico that I think are of some concern have to do with
220 provisional ballots and absentee ballots. And I notice across the country, we are seeing
221 the same thing. When you get into the area of how you make sure that absentees are
222 handled in such a way that it is uniform and, as the Supreme Court would say, you had
223 equal protection in these kinds of situations, that is a concern. And then the provisional
224 ballots are also growing to a significant degree. I hope that you have an opportunity to

225 comment on both of those and give us some guidance as to where you think we should
226 head.

227 Once again, I think the chairman is right-on in holding this hearing and proceeding
228 on this, and I anxiously await the testimony of our very distinguished panel.

229 Thank you, Chairman Schumer.

230 **Chairman Schumer.** Thank you for your excellent statement, Senator Udall.

231 Now we are ready for the witnesses. I am going to briefly introduce each one, ask
232 them to each put their entire statement in the record, speak for five minutes, and then we
233 will have time for questions. So if you could try to tailor your remarks to meet the
234 five-minute goal, we would appreciate it.

235 First, Stephen Ansolabehere -- I know that is a hard one to say -- is a professor of
236 government at Harvard University and political science at MIT. Formerly, he served as
237 co-director of the Caltech/MIT Voting Technology Project. He is an expert on American
238 elections, public opinion and voting behavior.

239 Curtis Gans is the director of the Center for the Study of the American Electorate
240 within the Center for Democracy and Election Management at American University. In
241 addition to being a professor at American University, he often appears as a recognized
242 expert on talk shows to discuss a variety of voting issues.

243 Nathaniel Persily is a professor at Columbia Law School. He is a nationally
244 recognized expert on election law and is the founder and director of the Center for Law and
245 Politics at Columbia Law School.

246 The Honorable Chris Nelson. Mr. Nelson has been serving as South Dakota's
247 Secretary of State since his election in 2002. Before being elected to this position,
248 Secretary Nelson served as South Dakota's state election supervisor.

249 Kristen Clarke is co-director of the Political Participation Group at the NAACP
250 Legal Defense and Education Fund. Before joining the NAACP, Ms. Clarke worked for
251 the Civil Rights Division at the U.S. Department of Justice.

252 Last but not least, Mr. Jonah Goldman. Mr. Goldman is director of the National
253 Campaign for Fair Elections at the Lawyers' Committee for Civil Rights. His
254 responsibilities include leadership in the Election Protection Coalition, the National
255 Network for State Election Reform, and the Lawyers' Committee election reform advocacy
256 and litigation docket.

257 Mr. Ansolabehere, Professor, thank you. And, again, your entire statements are
258 introduced into the record, so you may begin.

259 **STATEMENT OF STEPHEN ANSOLABEHERE, PROFESSOR,**
260 **DEPARTMENT OF GOVERNMENT, HARVARD UNIVERSITY**

261 **Mr. Ansolabehere.** Thank you, Mr. Chairman and members of the Committee,
262 for holding this hearing and paying attention to this issue.

263 In 2001, the Caltech/MIT Voting Technology Project found that 4 to 6 million
264 Americans tried to vote but could not, or did not have their votes recorded, owing to
265 problems with voting equipment, registration, absentee balloting and polling place
266 operations. The largest of these problems was registration followed closely by voting
267 technology.

268 The Help America Vote Act facilitated the upgrading of voting technology
269 throughout the United States, punch card and lever machines were phased out, and the
270 Federal Government assisted states and counties with their purchase of optical scan and
271 electronic voting equipment.

272 Voting technology accounted for about 1.5 to 2 million lost votes in 2000, and
273 today that figure appears to be around 500,000. That is a substantial improvement thanks
274 to the intervention of the Help America Vote Act. That is the good news.

275 Registration, unfortunately, remains as large a problem as ever. In 2008, to put the
276 matter in perspective, there were 230 million people of voting age in the United States, an
277 estimated 212 million eligible voters, that is citizens, non-felons who are also voting age,
278 an estimated 168 million registered voters, and 133 million people who actually voted.
279 To put matters another way, 44 million Americans were not registered to vote, though they
280 could have been, and another 35 million Americans were registered to vote but did not
281 vote.

282 The registration and authentication system in the United States remains a
283 significant source of difficulty for many voters. Of the 79 million Americans who are
284 eligible but did not vote, most certainly did not vote because they chose not to vote for lack
285 of interest. Even still, administrative problems prevented or discouraged millions of
286 Americans from voting.

287 Based on the results of the Cooperative Congressional Election Study, which
288 Senator Schumer discussed, I project that 9 million Americans did not vote because they

289 had recently moved or because the date for registering to vote had already passed and they
290 were not registered. Two to 4 million Americans were discouraged from attempting to
291 vote because of various administrative problems relating to the authentication of voters and
292 registration, and another 2 to 3 million Americans were registered to vote, attempted to
293 vote, but could not vote because of problems with registration, acquiring absentee ballots,
294 or voter identification. All totaled, it appears that 4 to 7 million Americans could not vote,
295 even though they attempted to vote or wished to vote in the 2008 election.

296 There are other chronic problems as well related to the system, especially
297 accessibility of the system for the disabled and for military personnel, and there are
298 emerging problems, especially the growing number of people who have trouble getting
299 absentee ballots. This is of particular note because absentee balloting is on the rise,
300 especially in the American west. In 1972, roughly 5 percent of Americans voted with
301 absentee ballots. In 2008, roughly 30 percent voted with absentee ballots.

302 My written testimony focuses on the problems associated with the system for voter
303 registration and authentication. The conclusion is a discouraging one, as many of us in
304 this community, both as scholars and policymakers, just a short while ago took major steps
305 to improve these systems. Even still, many people encounter problems with voter
306 registration and voter authentication today, and those problems appear to be as large as
307 eight years ago.

308 Currently, the states are in the middle of a major upgrading of voter registration
309 systems in the United States begun under the Help America Vote Act. Some have
310 completed this process but many have not. Most communities have yet to see the benefits
311 of those systems, but there is certainly the possibility, as statewide registration systems are
312 implemented properly, we may eventually observe the gains in registration systems similar
313 to what occurred with voting technology.

314 Based on my experience over the past eight years, I fully believe that a cooperative
315 effort of local election officers, secretaries of state and the federal government can reduce,
316 substantially, the difficulties that millions of Americans encounter when trying to register
317 and vote. Thank you.

318 *[The prepared statement of Mr. Ansolabehere follows:]*

319 **Chairman Schumer.** Thank you, Professor, and thank you for your excellent
320 report as well. We are honored that you released it at the committee.

321 Mr. Gans?

322

323 **STATEMENT OF CURTIS GANS, DIRECTOR, CENTER FOR THE STUDY OF**
324 **THE AMERICAN ELECTORATE**

325 **Mr. Gans.** I want to thank the Chairman and the Ranking Minority Member for,
326 a) holding this hearing and, b) inviting me to participate in your deliberations. Anything I
327 say here will not reflect on the men and women who run our elections, the secretaries of
328 states and chief election officers, down to the people who man the polls on election night.
329 They are all decent, they all want to help, both with the integrity and the voting process.

330 I agree strongly with both the Chairman and Ranking Minority Member as to what
331 the purpose of our election law ought to be. It ought to maximize voter participation, it
332 ought to maximize the integrity of the process, and it ought to maximize citizen faith in that
333 process.

334 I am going to give you three sets of numbers that say we are a long way from that.
335 One is 74 and 50. A ballpark estimate of the percentage of eligible Americans is
336 74 percent, and that in turn means that there are 50 million Americans who are not
337 registered and cannot vote.

338 The second I am going to have to read. It is 115, 104.2, 103.6, 100.3, which is the
339 number of names--the percentage of names on the registration list of the eligible voters in
340 the District of Columbia, Alaska, Illinois and South Dakota. Ten other states have
341 registration lists of 95 to 100 percent. And if anybody believes those numbers, there is a
342 bridge across the East River in the state of our chairman that I would like to sell you.
343 There are at least 20 million names on the registration list who should not be there, who
344 have died or moved or are not legitimate voters.

345 The last set of figures is 139 and 172. The United States ranks 139th out of 172
346 democracies in the world. That is not a great picture of a voting system that works.

347 We also have each year a series of problems, voter lists that do not contain names
348 that should, do contain names that should not be on them, zealous registration people on the
349 liberal side putting people on lists that should not be, zealous people on the other side
350 discarding registrations of people that do not agree with them.

351 We have millions of dollars spent for people like Jonah to monitor elections for poll
352 watches and for lawyers willing to move at the drop of a hat to challenge any deviation.

353 We call it fraud and we call it intimidation and suppression, and all of them have a grain of
354 truth.

355 We will not, so long as we have a list based system, remedy any of these problems
356 fully. We should consider what has worked in Mexico. And what has worked in Mexico
357 is a government provided and paid for national, mandatory, biometric identification card
358 and system. That would enfranchise everybody who is eligible, and it would get rid of
359 every one of the problems people have raised with the electoral system, except vote buying
360 and election administration malfeasance.

361 The objections to those are money and privacy. This will cost \$14 billion. We do
362 not do \$14 billion for our voting system, but we do it for national defense, and it could be
363 justified on national defense because we should know who is coming into the country and
364 who is in the country. And if we establish it, it would eliminate or reduce identity theft.
365 It would provide for accurate census without enumeration. It could help with criminal
366 prosecution and wrongful conviction exoneration. It could do a variety of things except
367 get rid of the common cold and halitosis. It also would rationalize the various identity
368 systems that are already being mandated or in place.

369 This is a far-out idea, but I think people ought to consider it because I think it is the
370 way that we can actually deal with all of these problems.

371 [The prepared statement of Mr. Gans follows:]

372 **Chairman Schumer.** I thank our witnesses for both interesting, informative
373 testimony within the time limit, two out of two.

374 Professor Persily?

375

376 **STATEMENT OF NATHANIEL PERSILY, PROFESSOR, COLUMBIA LAW**
377 **SCHOOL**

378 **Mr. Persily.** Let me echo the thanks of my fellow witnesses to this committee. It
379 is always a pleasure to be an election law professor who is giving testimony not in the
380 middle of a meltdown, and it gives us a chance to think in a sober way about some of these
381 problems that we have already been discussing.

382 I just want to make three brief points, and I have given you longer testimony for the
383 record. First I want to look at the effect of registration laws on turnout, and then,
384 secondly, to look at registration problems that we saw on Election Day. And then, finally,

385 to talk a little bit about the litigation as a description of the magnitude of the registration
386 problem.

387 First, the effect of registration on turnout. The effect of registration on turnout is
388 not simply by the registration system itself. The United States continues to make it more
389 difficult than any other industrialized democracy to vote. And the reason is not because
390 we simply have registration; other countries have registration. It is the combination of
391 that registration system with the high mobility of our population and the fact that the
392 government does not take an affirmative role in registering people to vote. Those are the
393 factors that make the United States unique. The incredible mobility of the U.S. population
394 is one of the chief reasons that we see relatively low voter turnout.

395 To give you some sense of the relationship between the variables: 90 million
396 eligible voters move every five years. All of those voters, if they want to vote at their new
397 address, assuming they are not in an EDR state, have to take an affirmative step in order to
398 register to vote. It is not a surprise, then, that people who have lived in their residence for
399 five years or more turn out at rates of about 75 percent. Those who are recent movers to a
400 new state or new county: only about half of those people tend to turn out to vote.

401 But the effect of mobility, or the combination of mobility and registration laws, is
402 not seen just in the aggregate numbers. You can see it on discrete populations, and several
403 members of this committee have already mentioned military voters. Congress has spent a
404 lot of time looking at uniformed and overseas voters in this context because of the
405 problems that those voters face.

406 You can also get a sense of this--and this is also from Steven Ansolabehere's
407 Cooperative Congressional Election Survey, which is the effect on military voters even
408 inside the United States, who face registration problems and voting problems at a higher
409 rate than the general population. And that is because they are more likely to be moving
410 before Election Day than the average population.

411 Most political scientists have spent a lot of time looking at the discrete effects on
412 low-income groups, or particularly the relationship of registration laws on education. But
413 when we look, for example, at these military voters who experience about 1.7 times the rate
414 of registration problems when they go and attempt to vote and that also turn out at a rate
415 10 percent lower than the general population, we get a sense of the nature of this problem.

416 Secondly, let me talk a little bit about the registration problems at the polls in this

417 past election. Unfortunately, we do not have the kind of concrete data that we would
418 really like in order to assess the magnitude of the problems in this past election. We
419 know, for example, that between 20 and 31 percent of the election related incidents that
420 happened at the polls this year were registration related. You can get a sense of that from,
421 say, the CNN incident reports or some of the other incident reports that different election
422 protection organizations were running.

423 We know, for example, that in the 2004 election, that 1.9 million provisional ballots
424 were cast and that the secretaries of state say that the chief reason behind the non-counting
425 of a third of those provisional ballots was because of a registration problem.

426 We only really have data now from about 14 states on the rate of provisional ballot
427 usage in the 2008 election, but we even know from just those 14 states that 800,000
428 provisional ballots were cast. And that gives you some glimpse as to the possibility of the
429 relationship of the registration problem to the number of provisional ballots.

430 Then, finally, let me talk a little bit about the litigation in this past election. This is
431 sort of a statement against interest because this is how we election law professors make our
432 living. Let me talk about three categories of litigation that happened in this election, all
433 related to this problem that you are investigating here today.

434 The first is what I think was the most common form of litigation, at least during this
435 election cycle, and that was lawsuits dealing with purges and mismatch lists when you
436 compare the voter registration lists to some other lists, whether it is drivers licenses, social
437 security lists, et cetera, where you found a dramatic number of mismatches.

438 The second is the very famous now set of cases dealing with third-party registration
439 drives, the kind that Senator Bennett was talking about, dealing with ACORN and some of
440 these other groups that allegedly had registered voters who did not exist.

441 Then the final type of litigation that we saw were sort of the garden variety
442 registration lawsuits, those cases where there is a technical defect in registrations or that
443 there are problems such that people do not get to vote.

444 Between the litigation and the voter turnout and these registration problems at the
445 polls, I think we get a sense at least the magnitude of the problem in the 2008 election.

446 *[The prepared statement of Mr. Persily follows:]*

447 **Chairman Schumer.** Thank you again. Excellent testimony.

448 Mr. Nelson?

449
450 **STATEMENT OF THE HONORABLE CHRIS NELSON, SECRETARY OF**
451 **STATE, STATE OF SOUTH DAKOTA**

452 **Mr. Nelson.** Mr. Chairman, members of the Committee, it is truly a privilege to
453 be before this committee and I appreciate the opportunity. I think it is vital that you hear
454 from the perspective of a state election official.

455 November 4, 2008 was a historic day in America; nearly 133 million cast their
456 vote. That is 9 million more than voted in 2004 and 25 million more than voted in the
457 Year 2000. Voter registration systems across this country, managed by state and local
458 election officials, handled that increase in registration and turnout, and they stand ready to
459 handle future increases in registration and turnout.

460 I want to spend just a few moments talking about what I believe is right about our
461 current voter registration system. The purpose of that system, obviously, is to provide a
462 list of those eligible to vote in each precinct. Voter registration provides order to our
463 election system. I believe there are nine elements in our system that are crucial, and I
464 would like to visit briefly about each one of those. They contribute to the reliability of the
465 system.

466 Number 1. Voter registration is easy and accessible. Voter registration is
467 available at election offices, driver license agencies, public assistance agencies, other
468 public agencies, military recruitment offices, and on the Internet.

469 Number 2. The system relies on a paper card or form that is signed by the voters.
470 Questions about the accuracy of the system can be taken back to that original registration
471 card. Much has been talked about having a paper trail of the ballot on Election Day. It is
472 equally important that we have a paper trail of the voter registration process with each
473 person that registers.

474 Number 3. The registration card contains an oath which must be signed by the
475 citizen, swearing to their eligibility and their citizenship. State and local officials have
476 very little access to citizenship information. We rely heavily on the oath signed by the
477 voter.

478 Number 4. The voter registration system is local. Voter registration cards are
479 maintained as official records at the local agency. Those local officials know that each of
480 those registrations represent somebody's right to vote, and if there is information that is

481 missing on those cards, local officials do everything they can to get that resolved.

482 Number 5. Voter registration data is verified. The Help America Vote Act
483 requires verification against drivers license lists or social security data. Incorrect
484 information or simple typos can be caught and easily corrected.

485 Number 6. Voter registration is aggregated into a statewide voter registration file
486 that assists us in eliminating duplicate voter registrations. It also allows states, such as
487 South Dakota, to use that data to allow citizens to, through the Internet, verify their
488 registration status, find their polling place, and view their sample ballot.

489 Number 7. The current registration system establishes a chain of responsibility for
490 that data. Local officials know where to find the original registration information, they
491 know how the data is incorporated into the registration file, they know how that file is used
492 to create the precinct registration lists, and with that knowledge, they can track down and
493 answer questions about why someone is on the list or is not on the list.

494 Number 8. The voter registration system is transparent. The public, the
495 candidates, the media, the political parties understand how names are added to the list and
496 how names are removed from the list. And I would suggest that any attempt to remove
497 that transparency from the current system will create and lead to deep suspicion about the
498 integrity of the system.

499 Number 9. Voter registration is part of the fabric of our American political
500 system. The requirement for voters to be registered causes political parties and other
501 groups to do voter registration drives. Those drives heighten the awareness about the
502 upcoming election, and I believe that is good.

503 The voter registration system in America today is the best and cleanest that it has
504 ever been, despite some of the issues that we have heard about. The nine elements that I
505 have talked about play an important part in our successful registration system. The
506 removal of any one of these elements risks the integrity of the system.

507 With rights come responsibilities. In the area of voter registration, state and local
508 election officials have the responsibility of maintaining an accurate and clean election
509 registration list. Individual citizens have the simple but powerful responsibility of filling
510 out a voter registration card to avail themselves of their right to vote. It is a system that
511 works and works well.

512 Mr. Chairman, members of the Committee, thank you again for this opportunity

513 and your consideration.

514 *[The prepared statement of Mr. Nelson follows:]*

515 **Chairman Schumer.** Thank you very, very much, Mr. Nelson. Again, I think
516 excellent outline.

517 Ms. Clarke?

518

519 **STATEMENT OF KRISTEN CLARKE, CO-DIRECTOR, POLITICAL**
520 **PARTICIPATION GROUP, NAACP LEGAL DEFENSE FUND AND**
521 **EDUCATIONAL FUND**

522 **Ms. Clarke.** Chairman and distinguished members of the Committee, thank you
523 for the opportunity to come and speak with you today about some of the problems that
524 continues to plague our nation's voter registration system.

525 The final data that emerged in the 2008 election cycle reveals that only 61 percent
526 of Americans eligible to vote cast ballots in this historic election. That is 1 percent more
527 than in 2004. LDF believes that many more people would have liked to participate and we
528 should undertake to see that in future elections they have the opportunity to do so.

529 Almost 13 percent of all eligible voters in our country are not registered at present.
530 If we are to be regarded as the world's leading democracy, we must work to fix the breaks
531 in the system and ensure that we reach the millions of eligible but not yet registered voters
532 who are locked out of the system. I want to take my time to highlight some of the key
533 problems by focusing on some of the issues and problems happening on the ground.

534 First, purge programs and unreliable database matching systems have created
535 enormous obstacles for voters. As states have moved to implement the requirements of
536 the Help America Vote Act, we are witnessing the technological advancements themselves
537 being used and abused to match and remove voters from registration lists.

538 Let me point to an example. A recent purge program carried out in Louisiana
539 resulted in a purge program that matched voters by using interstate databases to compare
540 the first name, last name and date of birth of Louisiana voters with individuals from other
541 states. Predictably, the system proved unreliable, yielding a number of false matches.
542 And at the end of the day, more than 12,000 voters were purged from the state's rolls. A
543 significant number of them were African American voters, many of them impacted by
544 Hurricanes Katrina and Rita.

545 The study confirmed that these kinds of matching programs are extremely error
546 prone and not based on sufficiently unique criteria that would prevent voter
547 disenfranchisement. Most purge programs like Louisiana's disregard the fail-safe
548 provisions that are built into the National Voter Registration Act that generally require
549 election officials to give proper notice and wait two federal election cycles before striking
550 voters from the rolls.

551 In addition, poorly designed state voter registration applications and arbitrary rules
552 by local election officials also pose a substantial threat. During our advocacy efforts this
553 election cycle, we identified a number of jurisdictions in which officials rejected
554 registration applications for reasons that have no bearing whatsoever on eligibility.
555 Immaterial omissions often resulted in a number of the rejections.

556 In Indiana, for example, election officials were directed to reject registration
557 applications if an applicant failed to mark a check box confirming their citizenship or their
558 voting age. This was done despite the fact that voters sign an affirmation under penalty of
559 perjury at the bottom of the form confirming that they are citizens and confirming that they
560 are of voting age. These actions prompted successful litigation to stop officials from
561 acting on these grounds, but the problem continues.

562 Another example emerges out of Alabama where the Secretary of State instructed
563 local election officials to reject applications from persons who possess drivers licenses but
564 chose instead to list the social security number of the voter registration form. Thus, voters
565 who provided a social security number were rejected for not listing their drivers license
566 number when registering.

567 The take away here is that voters should not be penalized for poorly designed voter
568 registration applications that capture duplicative information from applicants. We need to
569 streamline the design of registration applications and eliminate the game of gotcha that
570 leads to the rejection of so many would-be voters.

571 Another example emerges out of Louisiana where officials reported rejecting as
572 much as 20 percent of new registration applications because a database match revealed
573 inconsistencies with the spelling of a name or in the full drivers license or social security
574 number. Potential voters should not be penalized for administrative errors like these that
575 have no bearing on voter eligibility.

576 The challenge we now face is determining how to reform and repair the system in a

577 way that will be more inclusive and provide opportunities for broad and meaningful
578 participation for the millions of eligible but not yet registered citizens among us. While
579 we turn now to corrective action, we must remain mindful of the particular challenges
580 faced by those who are among the most vulnerable among us, the poor and our nation's
581 racial and ethnic minorities. The future of American democracy remains tied to our
582 ability to resolve some of the barriers that I have discussed today. Thank you.

583 *[The prepared statement of Ms. Clarke follows:]*

584 **Chairman Schumer.** An exquisite sense of timing. You ended exactly at five
585 minutes.

586 **Ms. Clarke.** Thank you.

587 **Chairman Schumer.** Mr. Goldman?

588 And you gave very good testimony, more importantly.

589

590 **STATEMENT OF JONAH GOLDMAN, DIRECTOR, NATIONAL CAMPAIGN**
591 **FOR FAIR ELECTIONS**

592 **Mr. Goldman.** Thank you, Mr. Chairman. I am a little bit intimidated by the
593 example. I will make sure that I am inside the five minutes also.

594 I want to thank you and Senator Bennett also for not only bringing this hearing
595 together, as Professor Persily said, at a time when it is not in the middle of an election
596 cycle, but when we have the opportunity to deliberate on these really important issues,
597 which are policy issues and not political issues.

598 As you suggested, our voter registration system needs modernization. At the
599 dawn of the 19th century, long before Alexander Graham Bell made the first phone call, as
600 you suggested, Mr. Chairman, the Whig Party was first advocating for our current voter
601 registration system. And despite whether there are or there are not currently Whigs
602 around, we know one thing, that both the registration system and the Whig Party are relics
603 of the past.

604 Our registration system is inefficient. It sets election officials up for failure by
605 diverting resources and energy from crucial tasks and it prevents more eligible voters from
606 casting a ballot than any other part of the election process.

607 As governments at all levels fight to stretch every penny, this Congress has
608 recognized that streamlining essential process is critical for moving forward in this new

609 economy. Counties and states across the country are wasting millions of dollars every
610 election cycle administering an outdated and expensive paper-based voter registration
611 process that puts our election system at risk. Modernizing the registration system will
612 improve democracy and allow communities to reinvest resources in critical functions like
613 keeping more teachers in the classroom and more cops on the street.

614 There are two culprits, paper and timing. Each registration requires an individual
615 paper form. A third to a half of these forms arrive in registrars' offices just before the
616 deadline. The inefficiency of the registration system has a domino effect, causing
617 confusion at the polls and infecting every aspect of the voting process.

618 The biggest impact is on voters. We have already heard up to 9 million voters are
619 prevented from voting at one stage or another because of the registration process.
620 Registration problems affect everyone, but also, as we have heard already, it is felt more
621 distinctly in some communities. Military and overseas voters have terrible access to
622 registration facilities. Older voters and those with disabilities cannot get absentee ballots
623 unless registration rules are updated. And young voters are frequently left off rolls
624 because they move often but also because they are unfamiliar with the process.

625 The current system of voter registration is a bureaucratic nightmare. In an election
626 system with more than 7,000 local election offices, just getting the paper application to the
627 right place is no small feat.

628 Last year, Mr. Chairman, in your state of New York, for example, a hundred
629 thousand forms collected by third-party registration groups were mistakenly sent to the
630 State Board of Elections in Albany. The board had to sort through those forms and
631 forward them to the correct local offices. Some 3,500 of those forms were found in the
632 New York City Elections Office after Election Day. Of course, those voters were not on
633 the registration list.

634 Registration deadlines have caused significant issues. Adam, an active
635 serviceman from Mississippi, submitted his registration before the deadline as he was
636 leaving for his tour. When he came home, there was no record of his registration, the
637 deadline had passed, and he could not vote.

638 Purges often have removed long-time voters from registration rolls. James, he had
639 been voting at the same poll location in Alabama for decades, but when he got to the polls
640 on Election Day, he was told that he was not registered. An election official told him that

641 his office had received calls from about 20 other voters who had similar problems. These
642 experiences were shared by countless voters across the country.

643 Through Election Protection, I have had the honor to interact with hundreds of
644 talented election officials. In jurisdictions of all sizes, whether run by Republicans,
645 Democrats or nonpartisan professionals, the story remains the same. The inefficiencies of
646 the registration system are a fundamental concern because they undermine election
647 officials' ability to effectively serve their voters.

648 All that manual data entry cost money and adds opportunities from the states.
649 Often more than half the registration budget goes to hiring temporary employees and
650 assigning full-time staff to capture information from handwritten applications and
651 eliminate duplicate registrations. This process costs even small jurisdictions, like Forsyth
652 County, Georgia, hundreds of thousands of dollars. The cost grows to over a million
653 dollars in medium sized jurisdictions like Franklin County, Ohio and is a multimillion
654 dollar endeavor in large counties like Los Angeles.

655 Even with these extraordinary measures and costs, the system is far from foolproof.
656 Voters can show up at the polls and find their name has been wrongly entered or dropped,
657 forcing them to cast, as we have heard before, provisional ballots. Election officials then
658 must reconcile the mistake by using other data to identify the voter before counting the
659 ballot, which adds further costs and delayed certification.

660 These costs have a debilitating effect on the rest of the election system. For
661 example, in Columbia, Ohio, the Board of Elections stopped notifying registrations with
662 incomplete applications of the opportunity to correct them because it just cost too much.
663 Even then, as Matt Damschroder who oversees elections in Franklin County says, phones
664 that would otherwise be picked up are not, leaving voters' questions unanswered. Because
665 of the inherent delays in processing paper registration forms, Los Angeles has to spend
666 \$56,000 in every countywide election to send supplemental voter rosters to poll inspectors
667 by overnight mail. That delay makes it difficult to order and distribute ballots.

668 Again, Mr. Chairman, thank you for all you are doing to move us towards a more
669 efficient and equitable process to exercise our vote. Each election in the voter registration
670 system, this relic of our pre-Civil War past, blocks millions of Americans from casting a
671 ballot, distracts election officials, and needlessly wastes millions of dollars at a time when
672 state and local budgets are stretching every penny. Congress has the power and the

673 opportunity to modernize this antiquated system. Thank you for taking the first step
674 today.

675 *[The prepared statement of Mr. Goldman follows:]*

676 **Chairman Schumer.** Good job, Mr. Goldman; seven seconds off. Not bad, not
677 too shabby, given how it usually is around here.

678 Okay. I want to thank the six witnesses. I thought the testimony was excellent
679 from the witnesses that I asked to come and that Senator Bennett asked to come, and very
680 much appreciated.

681 Now, to me, the astounding fact here was the reports both by Professors
682 Ansolabehere and Persily, that large numbers of people just could not vote. And this is
683 not relegated to a state; it shows the problems are everywhere. And I am certainly mindful
684 of what Mr. Nelson said, that there is a lot that works with the system. Most people do
685 vote and vote well, but in democracy, everybody has to vote.

686 So I would like to ask the witnesses whether they agree, each of you, just with the
687 statement that we have substantial numbers of eligible voters being excluded from the
688 rolls. It is a simple statement. I will just ask each of you for a yes or no answer, and then
689 I am going to let anybody say whatever they wish. Okay?

690 Go ahead, Mr. Ansolabehere.

691 **Mr. Ansolabehere.** Yes.

692 **Chairman Schumer.** Mr. Gans?

693 **Mr. Gans.** Yes.

694 **Chairman Schumer.** Mr. Persily?

695 **Mr. Persily.** Yes.

696 **Chairman Schumer.** Mr. Nelson?

697 **Mr. Nelson.** No.

698 **Chairman Schumer.** Ms. Clarke?

699 **Ms. Clarke.** Absolutely.

700 **Mr. Goldman.** Yes.

701 **Chairman Schumer.** Okay. Then we will first ask Mr. Nelson. You disagree
702 with the other five witnesses. You think that--do you think--I mean, I guess explain.
703 Their studies are pretty good. They are not biased or political, so explain to me your
704 answer. I am not asking the percentage. I am asking just that we have, at least by their

705 reports, in the millions of people who are eligible to vote, want to vote and cannot.

706 **Mr. Nelson.** I do not believe that anybody is excluded. There are obviously
707 millions that have been testified to that are not on the list for various reasons, but I do not
708 believe that we have a system that purposely excludes anybody.

709 **Chairman Schumer.** Oh, I agree with that.

710 **Mr. Nelson.** And are there issues within the system that need to be looked at and
711 addressed? Absolutely. And there are a number of things that have been brought up here
712 that I would love to question the witnesses on because they do not make sense with what I
713 know about how the system works.

714 **Chairman Schumer.** But the instance of, say, the military soldier who was
715 assigned, wants to vote, and did not. Now, the system is not purposely excluding him.
716 And Ms. Clarke focused on Louisiana and Georgia, and there are allegations that some of
717 these rules are done to deliberately exclude people.

718 But let's leave that aside. Let's assume that we are not talking about intent here.
719 We are just talking about the fact that the way the system works that there are people who
720 want to vote, try to do what they can to vote, but cannot. You do not disagree with that.

721 **Mr. Nelson.** There may be some. But let me use your example of the military
722 voter--

723 **Chairman Schumer.** Sure.

724 **Mr. Nelson.** --that is transferred on October 15th to a new location, gets to their
725 new location too late to register. They can certainly vote absentee prior to leaving their
726 current location. They are opened to do that in any state.

727 **Chairman Schumer.** Well--

728 **Mr. Nelson.** So they are not excluded from the process.

729 **Chairman Schumer.** You know, I have voted by absentee ballot. It is not so
730 easy. You have to call--you have to get the form from the election board. It sometimes
731 takes a long period of time. It is cumbersome. And in New York, I think we have a
732 pretty good absentee ballot system.

733 You also have--the example I gave is the soldier is told--let's just say he is
734 registered to vote, or she is registered to vote, at the military base in which they live. On
735 October 15th, they are told they have to be somewhere else by November 1st, and the
736 deadline for absentee ballots is over.

737 **Mr. Nelson.** If I might--

738 **Chairman Schumer.** We do not have--every state, am I correct, does not allow
739 people to decide to vote absentee within a week or two. You sometimes have to apply for
740 that absentee ballot in advance.

741 **Mr. Nelson.** I am not aware of any state that would have a two-week restriction
742 on absentee balloting. In South Dakota you can absentee vote up until 3:00 on election
743 day. I am not aware of any state that has a two-week black out.

744 **Chairman Schumer.** I am not sure, but somebody check me. In New York, you
745 have to apply for the absentee ballot in advance.

746 Is that right?

747 Professor Persily, you are from New York.

748 **Mr. Persily.** I cannot remember exactly what it was in New York. I should say
749 that I tried to vote and I was actually told I was not on the registration list only two years
750 ago in New York. And it was the night before the election official--having an election law
751 professor be the one being turned away from voting.

752 But with respect to absentee ballots, there are several states where, first of all, you
753 have to have cause, obviously, in some states to request an absentee ballot. And there is
754 huge variety on different states.

755 **Chairman Schumer.** Yes. I think, in all due respect, Mr. Nelson, there are
756 states that would not allow that military voter to vote; not through intent, but in others.

757 Mr. Goldman, would you sum up--tell us the restrictions on that particular
758 situation? I know you have studied this a lot.

759 **Mr. Goldman.** Absolutely, and thank you, Mr. Chairman.

760 I think that we all do agree that, generally, a system that was created in the
761 19th century was created in a way that should be fair. The problem is that it was created in
762 the 19th century when there were horse and buggies dragging folks from place to place to
763 try to register voters; now we are on learjets. And I think that that is something that we
764 need to understand, is that we are really talking about a 21st century political process in a
765 19th century system that, as you say, is the lifeblood of the process.

766 The voters who call us are voters who want to vote. They want to vote
767 desperately. And in 2008, we received 240,000 calls. Over 300,000 more people were
768 serviced by Election Protection through our Web site. And they were telling us stories,

769 military voters, telling us about how they--

770 **Chairman Schumer.** So the example that I gave is not an unusual--or is not an
771 out of the question one, right?

772 **Mr. Goldman.** No, it is not unusual at all.

773 **Chairman Schumer.** It probably happens hundreds of times.

774 **Mr. Goldman.** Sure. It happens--

775 **Chairman Schumer.** At least hundreds, probably more.

776 **Mr. Goldman.** It happens more than hundreds of times. We get those calls from
777 all over the country, from service members who have moved, who are transferred right at
778 the end of the deadline. But also, as I suggested in the testimony, from service members
779 who register before the deadline as they are supposed to, and then come home from their
780 tour of duty to get to the polling place excited to, as you suggested, vote for their boss, their
781 commander and chief, and get to the polling place and their names are not on the rolls.

782 **Chairman Schumer.** Right.

783 Let me just ask, before I turn it over to my friend and colleague, Senator Bennett, to
784 both Mr. Persily and Mr. Ansolabehere--because I do think while there is bad intent
785 maybe, there are some people on either side, some who want to exclude people from
786 voting, some who want to falsely register people.

787 But would it be right to say that most of the people who are excluded are not
788 excluded by intent, by design, but rather because of the cumbersomeness of the system, the
789 system is not modernized and things like that?

790 Do you agree with that, Professor Persily?

791 **Mr. Persily.** I do.

792 **Chairman Schumer.** How about you? Does your study show that?

793 **Mr. Ansolabehere.** Yes, and other studies we have conducted.

794 **Chairman Schumer.** Would you disagree with that, Ms. Clarke?

795 **Ms. Clarke.** No, I agree with that. I think that--part of the problem is that
796 election officials have too much discretion, and they abuse that discretion, or you have a
797 case in South Dakota where it appears that Mr. Nelson enforces rules very liberally and
798 other states where similar rules are enforced in a very restrictive manner that locks voters
799 out.

800 We need to figure out a way to make these rules more uniform across the board.

801 **Chairman Schumer.** But you would agree there is not a grand conspiracy on
802 either side. There are some people who have bad intent, but mostly this occurs because
803 we have not modernized or are just negligent. There are new examples that keep coming
804 up that we do not realize.

805 Is that fair?

806 **Ms. Clarke.** I agree with that.

807 **Chairman Schumer.** Senator Bennett?

808 **Senator Bennett.** Thank you very much, and thank you all for your excellent
809 testimony. I do have some quibbles here and there that I would like to do my best to deal
810 with.

811 Mr. Goldman, stop talking about a 19th century system. We have changed it. I
812 had to fill out a provisional ballot in Utah, and in the 19th century there were no provisional
813 ballots. I had applied for an absentee ballot and forgot it. So I showed up at the polls and
814 they said, you cannot vote because you have already voted absentee. I said, well, I never
815 mailed it in. Okay. You come over here, fill out a provisional ballot and we will see.

816 That is a system that is not in the 19th century. There have been an awful lot of
817 changes in this. So you have valid points. Do not diminish their validity by that kind of
818 pejorative statement.

819 **Chairman Schumer.** But just to quibble with my good friend, in the first half of
820 the 19th century, nobody voted in Utah.

821 [Laughter.]

822 **Senator Bennett.** That is true. We were infested with Mormon crickets, if I
823 could use another term that has been in the news.

824 Mr. Ansolabehere, I would like to know more about your methodology because we
825 have had a lot of numbers thrown out here. You use the number 7 million. In your
826 written testimony, you are talking about 4 to 5 million who could not or did not vote.
827 Mr. Goldman said 9 million. Mr. Persily said we do not have concrete data.

828 We are using numbers, and in Washington the tendency is, once a number is thrown
829 out, regardless of how tentative it may be, it gets locked in. The press picks it up; it ends
830 up in a headline. Having been in the headline, it then ends up in a bunch of speeches and it
831 becomes gospel.

832 Right now, you are the only source that I can find, and I would like to understand

833 your methodology a little better. You talk about 33,000 respondents. I want to know
834 how that sample was drawn and how it was verified. And all of your extrapolations come
835 from those 33,000; is that correct?

836 **Mr. Ansolabehere.** I followed two methods. One is--I also follow--we have the
837 survey that we did in fall of '08, which is the only publicly available survey at this moment.
838 The other survey that we are waiting on is the Current Population Survey that the Census
839 produces. We follow the Current Population census' methodology in terms of question
840 design and also the methodology for projecting from the survey out to figures on total
841 number--

842 **Senator Bennett.** I am sure you do. I am more interested in the sample.

843 **Mr. Ansolabehere.** The sample was part Internet and part phone to validate.
844 And we also validated the study by comparing the statements of how many people voted
845 for each candidate against the total vote shares that those candidates received in every state.
846 And all of the states, except one, were within the margin of error, and the one was Kansas.
847 So there was something about the sample in that state. But that will happen sometimes.

848 **Senator Bennett.** Whom did you go after? How did you know to call 33,000
849 people? Were they self-selected?

850 **Mr. Ansolabehere.** It is a national random sample. In some sense, all surveys
851 are self-selected because all surveys are voluntary. But, yes, national random sample of
852 the population in the United States, the adult population in the United States.

853 **Senator Bennett.** You called them? And how many of the 33,000 you called
854 said I did not have any problem and lived in South Dakota?

855 **Mr. Ansolabehere.** How many of the 33,000 said I did not have any problem?

856 **Senator Bennett.** Yes.

857 **Mr. Ansolabehere.** Well, let's focus on the 4 to 5 million number. So the 4 to
858 5 million are the number of people projected out from the survey who said that they had
859 tried to vote but could not, for whatever reason.

860 **Senator Bennett.** I understand that, but you are talking 33,000 people. What
861 percentage of them lived in Mr. Nelson's state and said they had no problem?

862 **Mr. Ansolabehere.** I do not know how many in South Dakota.

863 **Senator Bennett.** No, I am not saying specifically South Dakota, but what
864 percent said they had no problem?

865 **Mr. Ansolabehere.** What percent said they had no problem? Probably about
866 96 percent said they had no problem.

867 **Senator Bennett.** So you are extrapolating--let's say 4 percent of the 33,000, of
868 the 4 percent, you are extrapolating the 7 million figure you gave us here.

869 **Mr. Ansolabehere.** Right, and that is about what Census does when they do the
870 Current Population Survey projection as well.

871 The Current Population Survey, when you look at the statistical abstract of the
872 United States or the reports produced by CPS through the Census Bureau, give you
873 projections for how many million people are registered. That is where the number
874 142 million people registered comes from, from the last election cycle and so forth. That
875 is where they get the citizens voting age population numbers. There is no official record
876 of how many citizens there are in the United States; it all comes from those surveys.

877 **Senator Bennett.** Oh, I understand that.

878 Can you not get the number registered by contacting all 50 states?

879 **Mr. Ansolabehere.** Actually, no you cannot. Even the National Association of
880 Secretaries of States produce a report, and all that was given from some states, like Texas,
881 were ballpark numbers.

882 **Senator Bennett.** Mr. Nelson, can you tell him how many are registered in your
883 state?

884 **Mr. Nelson.** Five hundred and thirty-three thousand.

885 **Mr. Ansolabehere.** Yes, some states you can, but you cannot get it in all--

886 **Senator Bennett.** I will not pursue it any further.

887 **Mr. Ansolabehere.** On top of that, there are problems of duplications, which
888 South Dakota, as was testified, had more people on the rolls than they had in the citizens
889 voting age population. So there is an impossibility there, and it is just because people
890 move. There is no requirement that somebody update their registration.

891 Very quickly, as Nate testified, the registration lists become obsolete. Currently I
892 am doing a study in L.A. County where we are auditing the rolls there, and it looks like
893 about 6 to 10 percent of the names on the list, just the names, are no longer valid addresses.
894 In addition, there are another 10 percent where the registration seems to be incorrect,
895 according to the--

896 **Senator Bennett.** Your written testimony suggests that there are 30 million

897 obsolete and duplicate answers on the list. And you agree that these 30 million should be
898 removed?

899 **Mr. Ansolabehere.** Something should be done to reduce them. I do not know
900 how to do that. That is I think an issue with how to do purges properly. I think there has
901 been huge improvements in the states since 2001.

902 **Senator Bennett.** Well, I do not want to drill any further on this or take more
903 time.

904 Mr. Gans, I am interested in your solution, which is basically calling for a national
905 ID card for everything, for social security, for immigration, for everything. And that is
906 probably a bigger issue than we are going to deal with here.

907 **Chairman Schumer.** My Ranking Member, I also chair the Immigration
908 Subcommittee. Who knows?

909 **Senator Bennett.** Okay.

910 **Mr. Gans.** Mr. Chairman, I have run this one by Doris Meissner, who sort of
911 likes it for the immigration purposes.

912 **Senator Bennett.** Yes.

913 **Chairman Schumer.** May I interrupt, Lindsey Graham and I put in a proposal for
914 a biometric social security card to deal with the immigration problem a couple of years ago.
915 So the two actually do dovetail. It gets opposition from a variety of places, but it also gets
916 some support.

917 **Senator Bennett.** Yes, both of those are true.

918 Just one last--you are aware that in Australia, they solve this problem by making
919 voting mandatory. If you do not vote, you get fined.

920 Now, I do not quite know how they handle the lists, but this was brought home
921 dramatically when an Australian politician came to see me some years ago to talk about
922 strategies. And having been one who had run campaigns in Utah, I immediately said,
923 well, the first thing you have to do is identify who your voters are to get them out. And he
924 said, no, that is not a problem. I said, what do you mean that is not a problem? He said,
925 we have mandatory voting; everybody gets out.

926 I think the fine is 50 Australian dollars or something. I cannot remember. Do not
927 take that, if there is anybody noting this down, because that was a lot of years ago. But
928 when the Australians did some government reform some years ago, one of the reforms they

929 put in place was mandatory voting.

930 Does anybody have a reaction?

931 **Mr. Gans.** Yes, I do.

932 **Senator Bennett.** Okay.

933 **Mr. Gans.** I have two reactions. One reaction is that I think the right to vote
934 implies the right not to vote. And I also--three reactions. I also think if we boost the
935 numbers, we will hide the problems. And the third thing is, even if you have mandatory
936 voting, you would still have a list that you have to make accurate. The thrust of my
937 testimony is essentially to start conceiving of another paradigm because otherwise you will
938 be in Rube Goldberg Number 27.

939 **Senator Bennett.** Okay. Well, I agree with you that the right to vote also
940 includes the right not to vote, and I am not advocating for the Australian system. And this
941 gets back to the question of extrapolating numbers; how many people did not vote because
942 they chose not to vote as opposed to an assumption that if they did not vote, it was because
943 of some breakdown in the system.

944 Now, Mr. Persily, you are nodding your head. Do you want to comment on that?

945 **Mr. Persily.** Well, let me first--since I have a little knowledge of Australia, I have
946 to at least give my two seconds on that, which is that although they have mandatory voting
947 there and they have fines, almost no one gets prosecuted, and yet they have extremely high
948 voter turnout. About 4 percent, I think, of the ballots are cast for no candidate. They are
949 called donkey ballots, which we would call undervotes here in the U.S. I guess here a
950 donkey ballot means something completely different.

951 **Chairman Schumer.** They should call them kangaroo ballots.

952 **Mr. Persily.** But one thing I think you are getting a sense of from the testimony
953 here is how much we do not know. I mean, we do have a good glimpse of, I think, the
954 problem, both through litigation, from the number of respondents who are saying they
955 faced problems, the number of people who call into these help lines, et cetera, and the
956 number of provisional ballots, which gives you a sense of the registration and voting gap.

957 So the first step here is to--we do not actually even know how many people voted in
958 this last election. We have 12 states that do not even provide certified vote totals. So you
959 hear this number 133 million bandied about. There is a significant margin of error even in
960 that. And then as previous witnesses were saying, with respect to the registration lists,

961 yes, there is going to be a gap between, say, 20 million people who are on the registration
962 rolls and the number of people who say that they are registered.

963 What we really need is to have a census of election administrators. We need to
964 know at the precinct level how many people vote for which candidates by which method,
965 military, Internet, provisional, et cetera, and then we can really get a handle on the scope of
966 all these problems.

967 **Senator Bennett.** And then we have the problem Mr. Gans talked about, where
968 there are more names on the lists than there are people living in the jurisdiction.

969 **Mr. Persily.** Yes.

970 **Mr. Gans.** We have that. And the other thing, in response to your question of
971 my colleague here, is whether you take my colleague's figure on my right or my figures, we
972 either have 44 million or 50 million people who are not registered who are citizens eligible
973 18 and over. And that is a problem, as is the problem of 20 million names that are on
974 registration rolls that should not be on. Both of those need to be dealt with.

975 **Senator Bennett.** Thank you all very much.

976 **Chairman Schumer.** Let me go to a second round. And, of course, I afford that
977 to my colleague.

978 Just one point, Mr. Nelson, just making the point of Mr. Ansolabehere here,
979 Professor, you said there were 533,000, did you say?

980 **Mr. Nelson.** Correct.

981 **Chairman Schumer.** How many total people are there in South Dakota?

982 **Mr. Nelson.** Adults, about 750.

983 **Chairman Schumer.** Adults?

984 **Mr. Nelson.** No, total population about 750.

985 **Chairman Schumer.** Right. So how many adults are there, 18 and over who are
986 citizens? I will bet it is less than 533.

987 **Mr. Nelson.** If I might address that because it was mentioned we have over a
988 hundred percent registration.

989 The percentage of registered voters on the active registration list is 87 percent.
990 The way they come up with the over 100 percent number is by adding in the inactive
991 registered voters, that inactive list. And I will tell you, when the National Voter
992 Registration Act was passed in 1993, the restrictions that it places on voter lists

993 maintenance, I said at that time, this is going to guarantee in excess of 100 percent
994 registration, and that is where we are at--

995 **Chairman Schumer.** This illustrates the point I think that both Mr. Ansolabehere
996 and Mr. Gans were making.

997 Let me go back because my friend, Senator Bennett, talked about 4 million,
998 5 million. All those numbers are consistent. They represent different categories. So
999 would you just--both you and Professor Persily, Mr. Ansolabehere, just go over what each
1000 of those numbers represents. They are not inconsistent numbers; they are not just bandied
1001 about numbers. They are serious numbers based on a study, obviously, on statistical
1002 methods. But they are not inconsistent given those statistical methods.

1003 Go ahead.

1004 **Mr. Ansolabehere.** The 4 to 5 million number is based on the number of people
1005 in the survey, projected out based on the number of citizens voting age population who said
1006 that they tried to vote but failed, for whatever reason.

1007 **Chairman Schumer.** And they were registered.

1008 **Mr. Ansolabehere.** And they were registered.

1009 **Chairman Schumer.** Right. And give a couple of examples of those. Just give
1010 a couple of examples of those.

1011 **Mr. Ansolabehere.** Actually, I cannot say anything that is a specific example
1012 from the survey because it violates confidentiality--

1013 **Chairman Schumer.** Well, you do not have to give the name; somebody who
1014 showed up, waited on line for two hours, and went home because it was pouring rain, right?
1015 Would that be--

1016 **Mr. Ansolabehere.** Yes. There are people who went home because the lines
1017 were too long. There were people on that list who said they were sick or disabled, they
1018 had transportation problems, they were out of town and so forth.

1019 **Chairman Schumer.** Okay.

1020 **Mr. Ansolabehere.** The 4 to 5 million is the percentage--sorry. The 2 to
1021 3 million of those people, that 4 to 5 million, said that they could not vote because of lack
1022 of registration, because they had requested an absentee ballot but did not receive one, or
1023 because they were asked for voter identification and they did not have it. That is the two
1024 to three.

1025 Then there is an additional set of people who did not try to vote but said, when they
1026 were asked why you did not vote, that they encountered a registration--they were not--they
1027 had a problem with their registration, they had a problem getting an absentee ballot and so
1028 forth. And that looks like it is in the range of 2 to 4 million, so that comes--

1029 **Chairman Schumer.** Right. Let's just clarify that. We could always say, well,
1030 they should have registered. That is probably what Mr. Nelson would say, right?

1031 **Mr. Nelson.** Correct.

1032 **Chairman Schumer.** Let me give you the other side. I mean, this was sort of
1033 interesting to me, and make what you can of it.

1034 This was back in 1973 and Herman Badillo was running for mayor of New York
1035 City. He was the first Hispanic mayor running. And I was a political junkie. I was not
1036 an elected official then, but I was at the polling places. And there were large numbers of
1037 Hispanic people who came to the polling place and said, I want to vote for Herman Badillo.

1038 They were citizens. They had not registered because a month before I guess they
1039 had not focused on the election or whatever, but they truly wanted to register then. Now,
1040 we can get into a sort of moral argument; well, they should have and it is their fault, or they
1041 should be able to, it is the system's fault. But they would fit into that category of people
1042 who wanted to vote but were not registered.

1043 Is that fair to say, Mr. Ansolabehere?

1044 **Mr. Ansolabehere.** Yes.

1045 **Chairman Schumer.** Okay. I did not even know, by the way, in some of these
1046 precincts, that there were any Hispanic people living there. It was so amazing. It was
1047 sort of like a magnet. It showed me the power of elections and--it was very interesting.

1048 Yes, Mr. Persily?

1049 **Mr. Persily.** Sort of one point on that, which is in the 2004 election, we had about
1050 1.9 million provisional ballots that were cast. About half were cast on what are called
1051 Section 203 covered jurisdictions. These are areas with high language minority
1052 populations under the Voting Rights Act.

1053 But what is happening in the registration system is that it is falling
1054 disproportionately on certain communities who, for example, when they get to the polling
1055 place are confronted either with a registration problem or with someone who does not
1056 understand their name or it does not match up because it is in a different language. And

1057 then they end up casting provisional ballots, which is one of the reasons why looking at
1058 provisional ballots gives us a glimpse of the problem.

1059 **Chairman Schumer.** Right. I interrupted. Go ahead. Did you finish all the
1060 numbers that you have thrown out?

1061 **Mr. Ansolabehere.** No.

1062 **Chairman Schumer.** Keep going.

1063 **Mr. Persily.** I am fine.

1064 **Chairman Schumer.** Okay. But you had additional numbers that do not
1065 contradict--nothing in your study and Mr. Ansolabehere's study contradict one another, do
1066 they, Mr. Persily?

1067 **Mr. Persily.** As in most things in life, I take my numbers from Harvard, so I will
1068 defer to Stephen Ansolabehere on this.

1069 **Chairman Schumer.** Okay, right.

1070 Now, I just wanted to ask you, because my friend, Senator Bennett, talked about the
1071 statistics, the source of your data is the Cooperative Congressional Election Study, right?

1072 **Mr. Ansolabehere.** That is correct.

1073 **Chairman Schumer.** And is that generally regarded by the academics on both
1074 sides as a reliable, reputable source of data?

1075 **Mr. Ansolabehere.** Yes, in fact BYU is one of the major participants in this
1076 study.

1077 **Chairman Schumer.** Oh, now you are talking, Mr. Ansolabehere.

1078 **Senator Bennett.** I went to the University of Utah.

1079 [Laughter.]

1080 **Mr. Persily.** Can I say one other thing on this?

1081 **Chairman Schumer.** Yes.

1082 **Mr. Persily.** We will get more data in a month, and I suspect the Census data will
1083 confirm this, and also that the Election Day Survey from the Election Assistance
1084 Commission will also give us some confirmation of those numbers, so we do not need
1085 simply to rely on those.

1086 **Mr. Ansolabehere.** And there was a separate study that the Pew Foundation
1087 sponsored.

1088 **Chairman Schumer.** So we do not have a dispute, even among those on either

1089 side of the aisle here, so to speak--Mr. Gans, as one of the witnesses, you do not dispute
1090 those statistics at all.

1091 **Mr. Gans.** No.

1092 **Chairman Schumer.** And do you, Mr. Nelson?

1093 **Mr. Nelson.** I do not have enough insight into the methodology.

1094 **Chairman Schumer.** Okay. But Mr. Gans, just for the record, is a witness
1095 chosen by Senator Bennett.

1096 **Mr. Gans.** Yes, but not because I am a Republican.

1097 **Chairman Schumer.** No, I know. But you know I understand that completely.
1098 I met you--you do not remember, but I met you in the Eugene McCarthy campaign in 1968,
1099 when I was a freshman.

1100 **Mr. Gans.** You exhibited great wisdom.

1101 **Chairman Schumer.** Yes. Well, no. In retrospect, I did not.

1102 [Laughter.]

1103 **Chairman Schumer.** But in any case, I wanted to ask you, Professor
1104 Ansolabehere, on page 17 of your written testimony, you indicate that 3.8 percent of all
1105 respondents showed up to the polls and found they had problems with voter registration.
1106 In other words, they showed up, they wanted to vote, and had problems.

1107 If those numbers remain consistent nationally, how many voters would that be?

1108 **Mr. Ansolabehere.** I would have to--it is like teaching--

1109 **Chairman Schumer.** Okay, you can provide that--

1110 **Mr. Ansolabehere.** 3.8--if you just take 3.8 of the number of--

1111 **Chairman Schumer.** People who showed up.

1112 **Mr. Ansolabehere.** --people who showed up, the 133 million.

1113 **Chairman Schumer.** Yes. So it would be 3.8 of 133 million--

1114 **Mr. Ansolabehere.** Right.

1115 **Chairman Schumer.** --which is 1, 3 times--a little less than 4, about 5 million.

1116 **Mr. Ansolabehere.** Four or 5 percent--5 million.

1117 **Chairman Schumer.** Right, okay.

1118 Another question. Are you measuring the substance and extent of voter
1119 registration problems for the 44 million eligible voters who were not registered in 2008?
1120 How do we begin to determine who these people are and why they are not registered to

1121 vote?

1122 **Mr. Ansolabehere.** We are going to look closely at the CPS Study because they
1123 do have a pretty extensive battery of questions having to do with the reasons for
1124 non-registration. From past studies that they conducted in 2000 and 2004, those data look
1125 like they are quite similar to the extent to which people are not registering because they are
1126 not interested. That is the major source of the problem. But, you know, about 20 percent
1127 are not registering because of these other issues, such as registration dates and mobility.

1128 **Chairman Schumer.** Okay.

1129 Professor Gans, you had mentioned before that the U.S. ranks 139 out of 172
1130 countries in voter participation. I think that is counterintuitive to most of us here in this
1131 country.

1132 Can you elaborate a little on that? What is the country above us, what is the
1133 country below us, why are we so low? Is it, Third World countries are better than us;
1134 those who have democracies?

1135 **Mr. Gans.** Several Third World countries are better than us. Back in 1976, we
1136 did a survey of nonvoters. Peter Hart did the survey and his line was that we have a higher
1137 percentage only than Botswana. And then Botswana had an election, which had a higher
1138 turnout than we did.

1139 **Chairman Schumer.** Why do you think that is?

1140 **Mr. Gans.** Well, it is a lot of reasons.

1141 **Chairman Schumer.** Is it just the registration?

1142 **Mr. Gans.** Oh, no, not at all. But it is true that we are--as far as advanced
1143 democracies are concerned, one of the very few that put the burden on the citizen to qualify
1144 him or herself via registration and requalify when they move. Most of the other
1145 countries--the government does in one way or another--create the list of eligible voters.

1146 **Chairman Schumer.** What is your view? Does the system we saw in Iraq,
1147 where people put their finger--they put some kind of indelible ink on their finger. Does
1148 that work better or worse than our system?

1149 **Mr. Gans.** Iraq comes closer to my biometric than our system. But do I want to
1150 emulate Iraq? I do not think so.

1151 **Chairman Schumer.** But seriously--

1152 **Mr. Gans.** We have lots of different problems. I mean, part of the reason our

1153 voting is lower than most other democracies is we do not have a parliamentary democracy
 1154 and, therefore, we, a) do not have a very class oriented society as other democracies do; we
 1155 do not have class oriented parties; we have a complex system of government; we have a
 1156 multiplicity of officers that we elect, all of which makes people's vote feel less instrumental
 1157 than voting for one person who represents your point of view.

1158 **Chairman Schumer.** Let me ask you this question.

1159 **Mr. Gans.** Yes, sir?

1160 **Chairman Schumer.** Let's just assume for the moment we could develop a
 1161 system where people would not have to register, could show up that day and yet it would
 1162 have no fraud, just hypothetically.

1163 **Mr. Gans.** Okay. That is what I am proposing.

1164 **Chairman Schumer.** You are trying--I know.

1165 Do you think turnout would go up a great deal?

1166 **Mr. Gans.** I think turnout would go up. I mean, in our recent history, you can
 1167 look less at registration and more at motivation as to the reasons why we have higher or
 1168 lower turnout. What this would do, would enhance the possibility and high turnout -- in
 1169 high motivation election; that we would have substantially more people than we already
 1170 have, and it may or may not make much difference in low motivation elections.

1171 **Chairman Schumer.** Right.

1172 What do you say, Ms. Clarke and Mr. Goldman, on that?

1173 **Ms. Clarke.** One thing I would note is that there are some things that are
 1174 compulsory in our society. Jury service, for example, no choice, you have to do it. So
 1175 this idea about mandatory voting, I kind of like the notion of really encouraging as many
 1176 citizens as possible to participate.

1177 **Chairman Schumer.** Support a fine?

1178 **Ms. Clarke.** I am sorry?

1179 **Chairman Schumer.** Would you support a fine like in the Australian system?

1180 **Ms. Clarke.** Sure, particularly if it were accompanied by low prosecution.

1181 [Laughter.]

1182 **Ms. Clarke.** But I think we want to figure out how we can tear down barriers.

1183 I am concerned--and I just want to note this concern for the record about proposals,
 1184 about national ID requirements, which I think only erect additional barriers, unnecessary

1185 barriers, that would lock out even greater numbers of people from the process.

1186 A final point I want to underscore is that we really should focus on the design of
1187 voter registration forms, which varies tremendously across the board. I have a copy here
1188 of Louisiana's voter registration form, probably designed with a 6-point font.

1189 **Chairman Schumer.** Hold it up. Hold it up.

1190 **Ms. Clarke.** You need a magnifying glass to get through it. And it is terribly
1191 unfortunate that it requires voters to list information over and over and over again. And
1192 election officials can reject the forms if somebody fails to check the box that they are a
1193 citizen, but, nevertheless, signs the affirmation at the bottom, under penalty of perjury,
1194 where they swear that they are citizens. We have really got to streamline these forms and
1195 make it easier for all who want to participate to register.

1196 **Chairman Schumer.** Do you want to say something, Mr. Goldman, in reference
1197 to Mr. Gans, the comment I asked Mr. Gans?

1198 **Mr. Goldman.** Thank you, Mr. Chairman. I think that we already saw that this
1199 would increase turnout if we had a better registration system. I mean, we were just talking
1200 about 3.8 percent of voters who tried to go to the polls and tried to vote but were not able to
1201 because of registration. Those voters are not included in tallies, whether they are exact or
1202 inexact tallies of how many voters did show up. And I think 3.8 percentage points in an
1203 American election is actually an enormous amount.

1204 Australia actually has an automatic and permanent voter registration system, so
1205 they do not have the same problems that we do. While we can quibble about whether or
1206 not it is a 19th century system or not, the provisional balloting system and the problems
1207 with absentee balloting are largely a symptom of a problem with the registration system.
1208 We would not have--for instance, in California, in Los Angeles County, 85 percent of
1209 provisional ballots that do not count are not counted because of the registration system,
1210 which is an enormous amount of ballots, since each one of those takes time and money to
1211 be able to distribute them and count them. And they delay certification and things like
1212 that.

1213 So we are talking about the correlative costs on the rest of the election system and
1214 making election officials doing basically three or four times the work that they would
1215 otherwise have to, spending half of their registration budget. That adds up to millions and
1216 millions of dollars because of a system which was conceived in the 19th century has not

1217 been much updated other than a couple of band-aids that have basically just really
1218 illustrated how bad the system is to begin with.

1219 **Chairman Schumer.** Senator Bennett will get the last round of questions.

1220 **Senator Bennett.** Thank you very much. This has been a very interesting
1221 morning. I appreciate it. I think kind of a potpourri of reactions here.

1222 You get all of your data from Harvard?

1223 **Mr. Gans.** No, I do not.

1224 **Senator Bennett.** No. Mr. Persily.

1225 **Mr. Persily.** The Cooperative Congressional Election Survey.

1226 **Senator Bennett.** Oh, okay.

1227 **Mr. Persily.** I mean, without belaboring the point, it is a coalition of 30
1228 universities. Steve is instrumental in running it. Stanford's Doug Rivers, is instrumental
1229 in running it. So I might have been a little loose there, but it is a broad-based coalition.

1230 **Senator Bennett.** We are all being a little bit flip here in one way or another.

1231 There is a book that I remember. I should have brought it here because I should
1232 quote it exactly. But it comes out of my memory bank as we are having this conversation,
1233 entitled, The Vanishing Voter, and it was written from Harvard. And the two primary
1234 reasons, according to the book, why voter participation has been going down in the United
1235 States were, number one, the declining power of political parties. Political parties exist,
1236 whether they are the Whigs or whoever, to get people to the polls. And the declining
1237 power of political parties is one of the reasons why, according to this book, voters are
1238 vanishing. The second was the attitude of the media, that the media is constantly
1239 denigrating politics and politicians to the point that people feel, why have anything to do
1240 with it.

1241 I remember another piece, random out of my database, of a woman who was asked
1242 how do you vote, and she said, I never vote; it only encourages them. And that, again, is
1243 manifestation of the attitude that the media has for politics. And if you listen to the late
1244 night shows, you find that there is constant, constant, dripping of acid on all politicians.
1245 We are all stupid; we are all corrupt. And we are all objects of constant downgrading
1246 attacks until, of course, we have left office. And then we might, in some ways, be brought
1247 up at these late night shows as an example of how the present politicians are all stupid and
1248 corrupt because this one who has passed from the scene is not. This has nothing to do with

1249 registration. So let's not view this whole thing in a silo that says that registration is the
1250 sole cause of our various problems.

1251 I thank you for the information about your methodology. It gives me a greater
1252 sense of security in depending on your numbers than I had when I came in to this. But I
1253 would just say to the press that is around here, if you are going to say the registration
1254 problem has kept people from the polls, we go to the 2 to 3 million number that comes out
1255 of your study instead of the 9 million number that we heard later. And I welcome the idea
1256 that there are further studies that are going on and we will get more statistical information
1257 about this.

1258 I appreciate the work you have all done. The only one last comment I would
1259 leave--

1260 Mr. Nelson, you have a registration system in South Dakota.

1261 **Mr. Nelson.** Correct.

1262 **Senator Bennett.** North Dakota does not.

1263 **Mr. Nelson.** Correct.

1264 **Senator Bennett.** You have a higher turnout in South Dakota than they have in
1265 North Dakota.

1266 **Mr. Nelson.** Correct.

1267 **Senator Bennett.** I do not know what that proves, but it is an interesting thing to
1268 lay down--

1269 **Chairman Schumer.** It is warmer.

1270 **Senator Bennett.** I have never been to either one, so I will leave you to say that.

1271 But the registration system has not produced in your state a lower vote turnout or a
1272 non-registration system in as close a control as we can find in a neighboring state. So,
1273 again, I say that to underscore my point that decisions not to vote or voter participation at
1274 low levels is not entirely a factor of the registration challenge that we face.

1275 Having said that, I think the panel has demonstrated that we have work to do here,
1276 and I appreciate the view of the academics who have studied it carefully. I appreciate the
1277 view of the man who is on the firing line who has to deal with it, and I hope we pay
1278 attention to all of this.

1279 Mr. Gans, I am very interested in your solution. I will not publicly endorse it at
1280 this point, but I will say I am very interested in it.

1281 **Mr. Gans.** Thank you.

1282 **Chairman Schumer.** I want to thank both Senator Bennett and our panel. I
1283 think it was really a great start for this committee for the year. So I want to thank all of
1284 you for coming. We have a number of statements for the hearing record. Without
1285 objection, I request that a series of statements, which I will submit to the record, be added
1286 in.

1287 The record will remain open for five business days for additional statements from
1288 members and the public. And if the witnesses have no objection, I would also request the
1289 record remain open for five days for additional questions that we on the panel might submit
1290 to you, and you can answer in writing, if that is okay. Good.

1291 All right. Since there is no further business before the Committee, we are
1292 adjourned, subject to the call of the chair.

1293 *[The information for the record follows:]*

1294

1295 **[Whereupon, at 11:41 a.m., the Committee was adjourned.]**